

REMARKS

Claims 12 and 16 through 20 are now pending in this application after entry of the above-directed amendments. Claims 9 and 13 stand rejected under 35 USC 102 as being anticipated by U.S. Patent No. 7,003,688 ("Pittelkow et al"). Former Claims 10 - 12 and 14 - 16 were objected to as being dependent upon a cancelled base claim, and have not been examined on the merits. The additional references cited by the Examiner have been reviewed and none of them anticipate or make obvious Applicants' invention, as now claimed.

Pittelkow et al teach a mechanism used in an array of disk drives for switching between one disk controller functioning as a master controller and another slave disk controller for fail-safe or fail-over operation.

Applicants' invention, on the other hand, as now claimed, distinguishes over the Pittelkow et al reference by the following:

Claim 17: "... a monitoring module operatively coupled to both said first and said second automation devices and being disposed to monitor the operation of the first automation device for malfunctions . . .". Furthermore, in Claim 18 Applicants; method distinguishes over the Pittelkow et al reference by: "... sensing, with the use of a monitoring module operatively coupled to both said first and said second automation devices, for the presence of a vital sign from said first automation device for a change and when no change is sensed during a given cycle of operation, then making a switchover to the standby automation device that takes over the function of the former master automation device; "

Finally, Applicants further distinguish over the Pittelkow et al reference in Claim 19 by: "... a monitoring module operatively coupled to both said master and said slave automation devices and being disposed to monitor the operation of the master automation device for malfunctions, and if a malfunction occurs, then a switchover from the master automation device to the standby automation device is performed. . .".

The M.P.E.P., at section 2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim. Accordingly, it is deemed

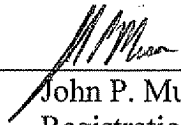
Serial No. 10/579,485  
Atty. Doc. No. 2003P16452WOUS

that after entry of the above-directed amendments Applicants have distinguished their invention over the the Pittlekow el at reference, as well as all references of record.

Reconsideration of the amended application in light of the above Remarks and allowance of claims 12, and 16 through 20 are respectfully requested.

Respectfully submitted,

Dated: 8/13/08

By:   
John P. Musone  
Registration No. 44,961  
(407) 736-6449

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830